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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,062	09/30/2003	Michael P.C. Lau	P69177USD	1402
136 7590 08/27/2008 JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004				
EXAMINER				
TORIMIRO, ADETOKUNBO OLUSEGUN				
ART UNIT		PAPER NUMBER		
3714				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/674,062

Applicant(s)

LAU ET AL.

Examiner

ADETOKUNBO O. TORIMIRO

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 4, 7 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 4, 7, and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. The amendment filed on 05/12/2008 has been entered. It is noted that claims 2 and 7 have been amended. Claims 1,3,6,8, and 9 have been cancelled. New claims 10-18 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2,4,5,7, and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barri (US 2005/0014563) in view of Petrovich (US 2004/0147270).

Re claims 2 and 7: Barri teaches a game apparatus for use with a media file reading and display apparatus operable by wireless signals through a wireless signal receiver including: at least two wireless signal transmitter units for producing wireless signals in response to user inputs; and means to resolve near simultaneous operation of said transmitter units so as to determine at least the first such unit operated and allow only operational code from the first such unit to be processed by the wireless signal receiver of the media file reading and display apparatus (see pars. [0033], [0035], and [0036]).

However, Barri does not explicitly teach at least two wireless signal transmitter units for producing infrared wireless signals in response to user inputs entered into the wireless signal transmitter units via single-step actuation of the wireless signal transmitter units, said infrared wireless signals each including a comparison code and an operational code, wherein the infrared

wireless signals produced by the wireless signal transmitter units are not indicative of signals ordinarily processed by the media file reading and display apparatus during operation of the media file reading and display apparatus; and means for resolving near simultaneous operation of said wireless signal transmitter units contained in each of the wireless transmitter units, the means for resolving including means for initially receiving the comparison codes without receiving the operational codes of the infrared wireless signals produced by the wireless signal transmitter units wherein at least a first unit of the at least two wireless signal transmitter units is determined by reference to the initially received comparison codes, the infrared wireless signals produced by the each of the at least two wireless signal transmitter units being different; and means for automatically transmitting only the operational code of the infrared wireless signal produced by the determined first unit upon determination of the first unit wherein processing of the operational code by the media file reading and display apparatus enables a direct selection and display of a media file via imposed offset addressing wherein the direct selection and display of the media file is indicative of a game option being made during game play without a further user input being required.

Petrovich teaches at least two wireless signal transmitter units for producing infrared wireless signals in response to user inputs entered into the wireless signal transmitter units via single-step actuation of the wireless signal transmitter units, said infrared wireless signals each including a comparison code and an operational code, wherein the infrared wireless signals produced by the wireless signal transmitter units are not indicative of signals ordinarily processed by the media file reading and display apparatus during operation of the media file reading and display apparatus; and means for resolving near simultaneous operation of said

wireless signal transmitter units contained in each of the wireless transmitter units, the means for resolving including means for initially receiving the comparison codes without receiving the operational codes of the infrared wireless signals produced by the wireless signal transmitter units wherein at least a first unit of the at least two wireless signal transmitter units is determined by reference to the initially received comparison codes, the infrared wireless signals produced by the each of the at least two wireless signal transmitter units being different; and means for automatically transmitting only the operational code of the infrared wireless signal produced by the determined first unit upon determination of the first unit wherein processing of the operational code by the media file reading and display apparatus enables a direct selection and display of a media file via imposed offset addressing wherein the direct selection and display of the media file is indicative of a game option being made during game play without a further user input being required **(see abstract; fig.6; pars.[0003],[0031],[0037], and [0048]).**

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Petrovich into the teachings of Barri. One would be motivated to do this so as to have a game system where information and data are transmitted amongst devices, remote controls and transmitters using wireless infrared, thereby making the game interesting for the users/customers.

Re claim 4: Barri teaches wherein the wireless transmitter units comprise remote controls for a digital video machine **(see par. [0036], lines 1-4)**. **It is apparent to Examiner that the transmitter comprises the remote control since the remote is the means for the player to transmit input to the game.**

Re claim 5: Barri teaches wherein the means to resolve to determine the first transmission and halt any further transmission by units other than that producing the first transmission (**see pars. [0033] and [0035]**).

Re claims 10-12: Barri teaches a game or entertainment apparatus for use in conjunction with a digital video player (14) and display (18) comprising: a media containing apparatus containing a media file having programming instructions to control movement of the media reader through the media file upon receipt of instructions from a controller; and wherein said media file directs and programs the media file reader to alternative memory locations in the media file to display screen images to construct an interactive game and controls the responses of the media file reader to the signals from the controller (**see fig.1; pars. [0003], [0012], [0024], and [0026]**).

However, Barri does not explicitly teach the programming instructions are effected by reference to the operational code of the infrared wireless signal transmitted from the first unit.

Petrovich teaches the programming instructions are effected by reference to the operational code of the infrared wireless signal transmitted from the first unit (**see abstract; fig.6; pars.[0003],[0031],[0037], and [0048]**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Petrovich into the teachings of Barri. One would be motivated to do this so as to have a game system where information and data are

transmitted amongst devices, remote controls and transmitters using wireless infrared, thereby making the game interesting for the users/customers.

Re claims 13-15: Barri teaches a programmed digital video disc for use with interactive games on a DVD player including: a plurality of video files at specified locations; and wherein the file also contains instructions to alter the address location memorized in the DVD player such that the sequential determination of the subsequent address location that the DVD player moves to may be other than the subsequent physical address location on the disc (see par. [0003], par. [0026], [0027], and [0028]).

However, Barri does not explicitly teach the programming instructions are effected by reference to the operational code of the infrared wireless signal transmitted from the first unit.

Petrovich teaches the programming instructions are effected by reference to the operational code of the infrared wireless signal transmitted from the first unit (see abstract; fig.6; pars.[0003],[0031],[0037], and [0048]).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Petrovich into the teachings of Barri. One would be motivated to do this so as to have a game system where information and data are transmitted amongst devices, remote controls and transmitters using wireless infrared, thereby making the game interesting for the users/customers.

Re claims 16-18: Barri teaches an interactive game system for use with a DVD player including the following: a disc programmed containing a plurality of video files and address

instructions to alter the address location the DVD player holds in memory so as to alter the next sequential address location to which the DVD player would normally address (see par. [0003], par. [0026], [0027], and [0028]); at least one remote control (16) having a plurality of outputs to further alter the address location to which the DVD player may subsequently play (see fig.1; par. [0024], lines 6-23).

Response to Arguments

4. Applicant's arguments filed 05/12/2008 have been fully considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rajagopalan discloses a handheld, portable electronic computing and communication device and methods for using the same.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

Art Unit: 3714

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714